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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 JERALD LEE MCCOWAN,

11 Plaintiff,

12 v.

13 NANCY A. BERRYHILL, Acting
14 Commissioner of the Social Security
Administration,

15 Defendant.
16

CASE NO. 3:17-CV-05313-JCC-JRC

REPORT AND RECOMMENDATION
ON STIPULATED MOTION FOR
REMAND

17 This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28
18 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews*,
19 *Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on
20 Defendant's stipulated motion to remand the matter to the administration for further
21 consideration (Dkt. 18).

22 Based on the stipulation of the parties, this Court recommends that it be ORDERED that
23 the Commissioner's decision in regard to Plaintiff's application for Supplemental Security
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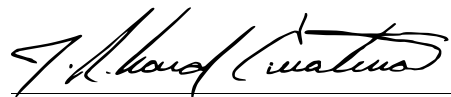
1 Income under Title XVI of the Social Security Act be REVERSED and REMANDED to the
2 Commissioner of Social Security for further administrative proceedings. On remand, the
3 Administrative Law Judge should 1) re-weigh the opinion of Dr. Hielbrunn, either including in
4 the RFC all assessed limitations or providing legally sufficient reasons, supported by substantial
5 evidence, for discounting them, as necessary; (2) re-evaluate Plaintiff's RFC; and (3) reconsider
6 and resolve conflicts at step 5, obtaining vocational evidence, if necessary.

7 It is further recommended that the Clerk enter judgment pursuant to the order.

8 This remand should be made pursuant to sentence four of 42 U.S.C. § 405(g), and
9 Plaintiff should be entitled to reasonable attorney fees and costs, pursuant to 28 U.S.C. §
10 2412(d), following proper request to the Court.

11 Given the facts and the parties' stipulation, the Court recommends that the District Judge
12 immediately approve this Report and Recommendation and order the case be **REVERSED** and
13 **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

14 Dated this 3rd day of November, 2017.

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16 J. Richard Creatura
17 United States Magistrate Judge
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